

NOT RESPONSIBLE FOR KILLING TWO

Death of Hollingsworth
and Deputy Due to
Accident.

DRIVERS FINED BY SQUIRE PURYEAR

Burwell and Jordan Taxed \$100
Each on Evidence Which
Showed They Exceeded
Speed Limit on Night of
Fatal Joy Ride in
County.

Edmond S. Burwell, of Charlotte, N. C., and George F. Jordan, a chauffeur employed by the Virginia Auto Company, were dismissed yesterday of all responsibility connected with the deaths of Colonel James G. Hollingsworth, paymaster-general of the North Carolina National Guard, and of H. M. Deputy, a traveling salesman of Philadelphia, who were killed as the result of an automobile collision on the Cary Street Road on the morning of September 9. Burwell was fined \$100 on a charge of violating the speed law. W. Kirk Mathews, acting Commonwealth's Attorney in the absence of Julian Gunn, and Burwell were represented by H. M. Smith and L. O. Wendenburg, and Jordan by George W. Wise. Thomas P. Bryan was present in behalf of Burwell's friends.

Certain They Had Raced.
Magistrate Puryear, in rendering his decision, said that he was constrained to believe from the evidence adduced that the two automobile drivers had exceeded the speed limit, though they were not responsible for the tragic ending of the ride out toward the Country Club, and that he must inflict punishment.

The attorneys for the defense immediately noted an appeal, and bond in the sum of \$100 was renewed for the appearance of the two men before the October term of the Henrico County Circuit Court, should they not decide in the meanwhile to withdraw the appeal. It is understood that the fines will be paid.

The testimony before Magistrate Puryear was not much different from that given before the coroner's jury which investigated the tragedy, but it was devoid of the expressions of opinion on the part of the witnesses which is permissible under the broader latitude governing inquests. J. R. McKissick, who was a passenger in the car driven by Burwell, was the only witness who admitted that the drivers indulged in a race, which he said was won by Jordan's car. Talk of racing, the witness averred, began after the cars had gone beyond the city limits, and the race was made to the forks in the road, where the cars turned on their way homeward. There was no evidence, however, that they were racing immediately before or at the time of the accident, which all agreed was unavoidable and for which no direct responsibility could be placed.

Charges Not Separated.
The two prisoners were tried together, and there was no separation as to the charges, the attorneys for the two sides agreeing to this before the opening of the hearing. Frequent and amusing tilts occurred between County Constable Bendall and the lawyers for the defense. Bendall, who qualified as an automobile expert, testifying that, judging from the tracks made by the two machines, they must have been going at a rate of more than twenty-five miles an hour. He said he had made an examination of the ground after hearing of the accident, had taken various measurements of posts and tracks, which forced him to the opinion that the speed limit had been grossly violated. He once modified his statement by saying that they either went more than twenty-five miles an hour, or didn't attempt to stop, in which latter case they might not have been going more than fifteen miles an hour.

His expert testimony was not considered by Magistrate Puryear in rendering a verdict. In the words of counsel for the defense, the officer's enthusiasm had overreached itself, and there was some doubt as to the ability of a human being to determine the rate of speed of an automobile by its tracks. But the constable was insistent, and was not to be persuaded materially to alter or modify his testimony, for he was confident as to the telltale tracks. **Verdict.**
J. R. McKissick was the first witness called. Without varying from his statement of the circumstances surrounding the fatal joy ride told before the coroner's jury, the witness narrated what he remembered of the details leading up to the accident. He was not of the party until he met Burwell and his friends on the street, when, at their invitation, he joined them. In Burwell's car, beside himself, was Lacy G. Ross, of Richmond. As the car was started only for two passengers, McKissick sat in the bottom, his feet resting on the running board. Replying to a direct question, it seemed to him that some of the party had been drinking, and, replying to another question equally as direct, he stated that he himself was sober. Mr. Mathews then drew from him the admission that there had been talk of racing, which began after they had arrived beyond the city limits. When they raced out to the forks in the road, near the Country Club, he could not tell the speed of the cars, he said, as he was not qualified as an expert, having hidden in automobiles only a few times in his life.

Then the witness told of the accident, how the car he was in, skidded, and of Burwell's attempts to right it by bringing it more into the middle of the road. The other car, following behind, collided with Burwell's car, striking it a glancing blow. Then Hollingsworth and Deputy were either thrown out or jumped out, and their bodies were found lying in the road, the face of each being covered with blood. He helped place Colonel Hollingsworth in

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Not Worried by Arrest



CHRIS MANNING, JR.

MEMBER OF POLICE BOARD ARRESTED

Yoder Charges Manning With
Interfering With Major
Louis Werner.

BOTH CALL IT RIDICULOUS

Man Sent to Jail by Commissioner
for Libel Finally Secures
Warrant.

Adon A. Yoder, editor of a small weekly pamphlet, yesterday swore out a warrant before Magistrate J. W. Stark against Police Commissioner Chris Manning, Jr., charging him with interfering with an officer in the discharge of his duty. Immediately upon hearing of the warrant, Mr. Manning surrendered to Policeman Lear, on Main Street, and was taken to the First Police Station in the patrol wagon. He was bailed before Magistrate McCarthy by L. Z. Morris, president of the Savings Bank of Richmond, who, as soon as he heard of the arrest of Mr. Manning, immediately volunteered to go his bond. Bail was granted in the sum of \$100, and the hearing will come up in Police Court this morning.

Failed to Get It Before.
It was learned yesterday that the pamphlet man had attempted to swear out a warrant some time ago for the arrest of Commissioner Manning, and that the magistrates to whom he had applied before he was refused him.

The police officer referred to in the warrant is Major Werner, whom it is alleged that Manning interfered with in the arrest of a habitué of the segregated district. The date of the alleged offense is January 1, 1910. Both Major Werner and Commissioner Manning vehemently deny that there ever was any such interference, and, as a matter of fact, Mr. Manning said, Major Werner does not take orders from individual commissioners but is guided only by the action of the board as a whole. Therefore, if there were any such interference, it is stated, the whole board would be liable.

"I have never given any orders to the Chief of Police," said Mr. Manning, "and would not be so misguided as to give him any, since it is not within my province."

Major Werner is equally as strenuous in his denial that Mr. Manning or any other commissioner, for that matter, ever interfered with him in the discharge of his duty. Both are rather disposed to regard the whole affair as a joke.

Yoder Served Term in Jail.
Yoder has frequently attacked commissioners and police for alleged neglect of duty, and for certain libelous articles written by him against Commissioners Manning and W. Douglas Gordon, acting Justice of the Peace, who sentenced him to thirty days in jail and to a fine of \$50. He served his sentence and paid the fine. Since the jail term suit for damages has been brought against him by both the commissioners named.

The witnesses in the case will be Captain Barfoot, of the First District; Major Werner and Raymond Brown, who made a stenographic record of the evidence in the criminal libel trial of Yoder.

SAN FRANCISCO CELEBRATES

Sixtieth Anniversary of California's
Admission to the Union.
San Francisco, September 9.—Sixty years ago to-day the State of California was admitted to the Union. To-day the diamond jubilee was celebrated in San Francisco with gay pageantry. Many thousands of people gathered in the city square, where the American flag was hoisted to the top of the mast. The celebration was a grand affair, with music, dancing, and a large display of fireworks. The city was filled with a festive atmosphere, and the people celebrated the occasion with great enthusiasm.

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BRIBERY CHARGE NOT SUSTAINED

Minority Leader Lee O'Neil
Browne Acquitted by
Jury.

DECISION ON EIGHTH BALLOT

Accusation Grew Out of Election
of Lorimer to
Senate.

Chicago, Ill., September 9.—Attorney Lee O'Neil Browne, of Ottawa, Ill., Democratic legislative leader, charged with bribery in connection with the election of William Lorimer, of Chicago, to the United States Senate, was acquitted by a jury in Judge George Kersten's division of the Criminal Court to-day. The jury, which took eight ballots, was out twenty-one hours. On the first ballot it stood eight to four for acquittal. The final juror standing out for conviction was won over to sign the verdict of acquittal at 2:35 o'clock in the afternoon. The verdict was returned in open court a few minutes before 3 o'clock.

Immediately the courtroom was in an uproar. It was ten minutes before the verdict was read. When it was read, a verdict of acquittal, it was greeted with a shout of approval. He reached the court in time to hear the verdict. His eyes filled with tears as the clerk of the court finished reading. A second later he threw his arms about Attorney Charles Erbstein, of then hostile to the shoulders of friends and carried out of the courtroom, amid handshaking and cheering.

Still Under Indictment.
Browne appeared as greatly pleased as though he had been completely absolved of further trouble in relation to the vexing subject of Senator Lorimer's election. Apparently he had forgotten for the time that he is under indictment on the same charge and will have to face trial at Springfield, in Sangamon county. State's Attorney Vanman was plainly put out by the verdict. At first he refused to talk. Later he said:

"The verdict speaks for itself. The public knows the evidence. I presented the evidence and did everything that a public prosecutor could do. The State of Illinois will reap the benefit of the prosecution, regardless of the verdict."

The verdict in the Browne case came as a dramatic aftermath to yesterday's sensational incident between Colonel Roosevelt and Senator Lorimer regarding the Hamilton Club banquet.

William Lorimer, formerly a Congressman, was elected by the Illinois State Legislature a United States Senator in the spring of 1909, after a deadlock had existed from January 19 until May 28, defeating Albert J. Hopkins, the choice of the Republican party at the primaries and of the legislators in the Senate.

Representative Charles A. White, of O'Fallon, a small town in St. Clair county, Ill., who voted for Lorimer, put into manuscript form what he alleged to be the inside history of the Lorimer election. It was sold to the Chicago Tribune and published. White confessed in his story, which he called "The Jackpot," that he had received \$1,000 from Lee O'Neil Browne, Democratic leader in the lower house, for share of the jackpot, and \$500 as his own payment. He said, was made in St. Louis by State Representative Robert E. Wilson, of the Sixth District, Chicago.

An investigation was made, and White and the men implicated by him were taken before the grand jury. Representative H. J. C. Beckemeyer, \$1,000 from Browne, was also indicted. Lorimer was indicted for perjury. Representative Michael S. Link was also indicted, and confessed that he had received \$1,000 to vote for Lorimer as a "reward."

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LYOUD W. BOWERS DIES SUDDENLY

Solicitor-General and
Prospective Candidate
for Supreme Court.

PRESIDENT PAYS TRIBUTE TO FRIEND

Record as Most Important Prosecuting
Office of Government One Rarely Equaled,
and One of First Half
Dozen Leading Lawyers
of Country.

Boston, Mass., September 9.—Solicitor-General Lloyd Wheaton Bowers, aged fifty-one years, lifelong friend of President Taft, died at the Hotel Touraine, in this city, to-day. Death came suddenly, the result of cardiac thrombosis, which ended an illness of a month, due to an attack of bronchitis.

The death of Mr. Bowers, who relinquished an exceedingly remunerative position as railroad counsel to take up the duties of solicitor-general on March 22, 1909, at the instance of President Taft, removes a prospective candidate for one of the vacancies in the Supreme Court bench.

Daily reports concerning the condition of the sick man have been encouraging, and yesterday the prospects of his being able to leave the hotel were discussed. Dr. Frederick Coggeshall, who has attended Mr. Bowers here, said to-day that the patient had a good night's rest, and was cheerful to-day, and was chatting cheerfully with his wife and son, when suddenly he stopped talking and a moment later was dead.

Dr. Coggeshall sped by automobile to the hotel on a telephone summons to discover that Mr. Bowers had died instantly of a blood clot in the heart. Dr. Coggeshall said that the original illness of Mr. Bowers, which took the form of a violent cold, was due to overwork. The cold attacked him at Gloucester, where Mr. Bowers had come from Chicago, to attend a breakfast of the summer. Tonsillitis developed, and to secure expert medical assistance Mr. Bowers was brought to Boston. An abscess on one of the tonsils necessitated an operation, the effects of which Dr. Coggeshall said were too severe for the weakened system to throw off.

Funeral on Monday.
Funeral services will be held Monday morning at the Hotel Touraine. President Taft, who sent a personal expression of sorrow to Mrs. Bowers as soon as he heard of her bereavement, may attend. The completion of the funeral arrangements is delayed because Mr. Bowers' daughter, Miss Martha T. Bowers, has not yet been communicated with. Miss Bowers is on a horseback trip through Yellowstone Park. It is hoped to reach her soon.

After the funeral services here the body will be taken to Westfield, Conn., where the burial service will be upon the arrival of Miss Bowers from the West.

The interment will be in the ancestral burial ground.

Tribute from President Taft.
Beverly Mass., Sept. 9.—The sudden passing away of Solicitor-General Lloyd W. Bowers made the day a sad one at Burgess Point, especially as President Taft had been assured only two days ago that his colleague and his intimate friend for thirty years would surely recover.

The President's tribute was as follows: "I am greatly distressed at the death of Lloyd W. Bowers, the Solicitor-General. He was a man of great ability, a friend, and I prided myself greatly on securing his services in this administration, at great personal sacrifice to himself."

"His record in the Solicitor-General's office is one that has rarely, if ever, been equalled. He was one of the first half-dozen in this country. It was my purpose to have appointed him a Justice of the Supreme Court, if opportunity offered. His death is a great personal bereavement to me, and is a loss to the country, which only those who knew him can fully appreciate. His wonderful power of application and his broad and generous mind were a great asset to the government."

The President will now have to scan the legal lists of the country for another particular star, not only for the vacant spot in the Supreme Court, but for the most important prosecuting officer of the government.

As the Standard Oil and income tax cases are now before the Supreme Court, the selection of a new Solicitor-General probably will be made within a comparatively short time.

The loss of Mr. Bowers is particularly hard at this time, because of his complete mastery of the three great cases.

Department of Justice Closed.
Washington, D. C., September 9.—The news of the death of the Solicitor-General was received at the Department of Justice to-day just a few minutes after the announcement had been made at the Touraine in Boston. An order was immediately issued closing the department at noon.

Barton Conner, an attorney in the department, who was closely associated with Mr. Bowers, left immediately for Boston. A telegram was sent to A. F. Cheney, Solicitor-General's private secretary, who was on his way from New York to Washington, notifying him of the death of his chief.

Mr. Bowers left Washington July 9 and took with him twenty-three government cases upon which he intended to work while on leave of absence. Some of these cases he completed and forwarded to the department with the statement that when he had finished the last of them he had in hand the complete mastery of the three great cases.

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Certain of Vindication



LIEUTENANT-COLONEL CHARLES H. CONSOLVO.

GAVE THEIR LIVES TO SAVE COMRADES

Three Coal Passers Probably
Drowned When Vessel
Was Flooded.

PROMPT ACTION SAVES SHIP

Fire in Compartment Beneath a Powder Magazine.

Newport News, Va., September 9.—Belief prevails here to-day among the crews of the battleships that Joseph S. Schmidt, Robert Gilmore and Joseph Streitt, the three coal passers who died yesterday aboard the North Dakota, gave up their lives in order that the ship and the lives of their officers and comrades might be spared.

The fire was beneath a magazine stored with powerful explosives, and the men were in the compartment with the flames. Flooding of that compartment at once was necessary to the saving of the ship. Possibly they were unconscious or already dead; probably they would have been killed had they not been rescued. But it was one of those great emergencies the navy expects and is trained to meet. It was met by the turning on of the water.

Died Without a Chance.
If Schmidt and Gilmore and Streitt were conscious when the flood rushed in upon them they died without a chance to know that their lives purchased immunity from death for several hundred other men and saved from destruction the gallant ship they served so bravely.

It is probable whether they were conscious at the moment of sacrifice, but the fact that water was found in their lungs indicates that life was not extinct.

Battles Seriously Damaged.
Although no official information has been given out, it is understood that the four boilers located in the foreroom of the battleship were seriously damaged. The ship probably will be detached from the fleet and ordered to the Norfolk Navy Yard for repairs.

The investigating board, composed of Captain Cove, of the Delaware; Lieutenant Commander Price, of the Delaware; and Lieutenant Commander Proctor, of the Connecticut, assembled on board the North Dakota this morning at 10 o'clock and began work. At 4 o'clock the members of the board returned to the Connecticut, Rear-Admiral Schroeder's flagship, ready to formulate their report. It is said.

The bodies of the three dead men were taken to the Portsmouth Navy Yard to-day. All of the injured are doing nicely and will recover. Machinist Andrews is the most seriously hurt.

The first and second squadrons of the battleship fleet will leave Sunday to join the third and fourth squadrons on the Southern drill grounds. It is believed that the North Dakota will go.

Officers Are Relieved.
Officers of the North Dakota and of the fleet generally are exceedingly regretful about the accident, and Admiral Schroeder will not talk in advance of the investigation; but it is the belief of the men on the ships that the three men who are dead were drowned in the flooding of the foreroom. It is thought that they were helpless, perhaps unconscious, from their burns, before the rushing water drowned them.

Flooding the Only Course.
There seems no doubt that the immediate flooding of the foreroom was the only means of averting the total destruction of the great ship and the annihilation of its hundreds of men.

The proximity of the fire to a magazine stored with powerful explosives made imperative the instantaneous extinguishment of the flames.

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EVIDENCE FAVORS ACCUSED OFFICER

Colonel Consolvo Will Probably
Be Given Complete
Vindication.

DELAYS WERE UNAVOIDABLE

Captain Opie Did Not Write
Editorials and Does Not
Prosecute.

While, in accordance with military usage, no verdict was announced yesterday by the court of inquiry which investigated the official conduct of Lieutenant-Colonel Charles H. Consolvo, paymaster-general of the Virginia Volunteers, no doubt exists that he will be completely vindicated. Most of the evidence adduced was favorable to his cause, while he made statements to explain matters for which he was criticized by some of the witnesses.

The witness around whom interest centered was Captain H. L. Opie, commander of Company A, Second Regiment, of Staunton. He is the editor of the Staunton Daily Leader, in which appeared the editorials which stung Colonel Consolvo into asking for a court of inquiry as to his alleged misconduct. These articles put the blame on the disbursing officer for the delay in the payment of the troops on military duty at the Gettysburg manoeuvres.

Was Not Author.
Captain Opie denied that he wrote the articles, but accepted full responsibility for them. He also made a statement, which was a surprise to his hearers, that for the first time he had then learned that he was supposed to have been the author of the creation of a court of inquiry as to his alleged misconduct. He said that he had been advised that the onus of the matter was upon him, he might have produced witnesses and been prepared to go into the case.

Inasmuch as Captain Opie's connection with the matter has been stated in The Times-Dispatch, and as the officer is a resident of the State, and as such almost certain to be a reader of the paper, Lieutenant Tucker, the recorder for the court, asked if he did not read this publication. Captain Opie said he did, but reiterated that he was now advised of his share in the affair for the first time. Lieutenant Tucker was evidently surprised that the witness had not read an article in The Times-Dispatch.

Case Settled.
The testimony of Captain Opie took the point out of the inquiry, leaving nothing except Colonel Consolvo's desire to set himself right, which he had already accomplished to some extent by public statements. The verdict, when rendered by the court and properly signed, will be forwarded to the Adjutant-General.

The court sat at 10 o'clock in the morning, in the officers' room in the armory of the Richmond Light Infantry Blues. The members of the tribunal were Colonel Robert F. Leedy, of Luray, commander of the Second Infantry; Lieutenant-Colonel S. R. Miller, of Front Royal, Second Regiment, and Lieutenant-Colonel Robert E. Craighill, of Lynchburg, First Infantry. Lieutenant J. Randolph Tucker, of the Richmond Blues, was the recorder.

In reply to questions by the recorder, Colonel Consolvo said that he had no counsel, and did not desire to challenge any member of the court. The court was then sworn, and the orders in connection therewith were read, including the editorials from the Staunton paper.

Editorial Criticism.
The first of these, dated July 27, intimated that the paymaster-general had the money with which to pay the soldiers while in camp, that he was entangled in red tape, and that in due time he would be had. The other, published on August 4, said that only the Norfolk companies had so far been paid. In the news columns of the same edition it was stated that Captain Opie was paying off his company with checks received from Colonel Consolvo.

The court then turned to the hearing, and Lieutenant Tucker suggested that Colonel Consolvo might produce his witnesses. The first was J. R. Ware, of Norfolk, who acted as his clerk in paying off the militia. He

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CAR FERRY SINKS IN LAKE MICHIGAN; THIRTY LOSE LIVES

Worst Marine Disaster
in History of Lake
Traffic.

ANOTHER VESSEL RUSHES TO RESCUE

More Than Thirty Are Saved by
Heroic Work of a Second Ferry
Boat—Financial Loss Will
Amount to More Than
Half a Million
Dollars.

Ludington, Mich., September 9.—Thirty lives were lost to-day, when the ferry boat, carrying thirty passengers, went to the bottom of Lake Michigan, half-way across the lake. The dead include Captain Peter Kilty, of Ludington; S. F. Szepanek, Chicago, purser, and Joseph K. Miller, Chicago, purser, and most of the crew. The ferry was carrying a wireless operator, whose signals of distress brought assistance to the sinking steamer, and two members of the crew of the ferry No. 17, who lost their lives in an effort to rescue the crew of No. 18. Ell Colburn, of Saginaw, Mich., a member of the crew of the ferry No. 17, was a thirty-first victim, but it is believed that he was not on board when No. 18 set out from here last night on her fatal trip.

Peter Kilty, of Ludington, captain, Joseph Bresinski, mate, of Mantoloking, N. J., second mate, of Ludington. W. H. Brown, second mate, of Ludington. S. F. Szepanek, purser, 52 Gold Street, Worcester, Mass. R. R. Ledham, chief engineer, of Ludington. Chalmers Rosencrans, assistant engineer, of Northport, Mich. W. H. Cummings, second assistant engineer, of Ludington. Unknown officer, Norwegian. A. J. Mack, steward, Westfield, N. Y. W. H. Cummings, steward, of Ludington. John Schraufnagel, cook, Milwaukee. N. L. Bertrand, passenger, Ludington. Michael Saythaler, fireman, Forestville, Mich. Samuel Bouchie, fireman, River Bourgeois, Mich. W. Parker, fireman, Marine City. Unknown fireman. Mrs. Marion Turner, cabin maid, Ludington. Peter Kilty, watchman, Ludington. Unknown lookout. Ole Bakken, wheelman, Ludington. John Schraufnagel, cook, Milwaukee. N. L. Bertrand, passenger, Ludington. Michael Saythaler, fireman, Forestville, Mich. Samuel Bouchie, fireman, River Bourgeois, Mich. W. 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